

REMARKS

In the Office Action, the Examiner noted that claims 7-15 were pending in the application; required a more descriptive title; rejected claim 12 under the second paragraph of 35 USC § 112, rejected claims 7-14 under 35 USC § 102(e); and rejected claim 15 under 35 USC § 103(a). In rejecting the claims, U.S. Patent 6,175,569 to Ellington, Jr. et al. (Reference E, hereinafter Ellington) was cited. Claims 7-15 remain in the case. The Examiner's rejections are traversed.

Objection to Specification

In item 2 on page 2 of the Office Action, the Examiner required a more descriptive title. The title has been amended in response to this requirement. If this title is not sufficiently descriptive and the claims are acknowledged to be patentable over the prior art, the Examiner is respectfully requested to amend the title via Examiner's Amendment or to contact the undersigned by telephone to discuss further amendment of the title.

Rejection under 35 USC § 112 Second Paragraph

In items 4 and 5 on page 2 of the Office Action, claim 12 was rejected under the second paragraph of 35 USC 112 due to use of the phrase "in particular". The prepositional phrase beginning with "in particular" has been removed from claim 12. Therefore, withdrawal of the rejection is respectfully requested.

Rejections under 35 USC § 102(e)

In items 7-13 on pages 3-5 of the Office Action, claims 7-14 were rejected under 35 USC § 102(e) as anticipated by Ellington. In making this rejection, it was asserted that Fig. 1; column 5, lines 57-60 and column 6, lines 66 to column 7, line 12 of Ellington disclosed a decentralized quality of service system as recited in claim 7 where "a first computer ... [includes] an access unit used to determine predetermined quality of service features for interaction with ... [a] network; and a second computer ... administer[s] the quality of service features of the access unit" (claim 7, lines 2-5). Fig. 1 of Ellington shows a plurality of personal computers 16, 20A-20C, 22 and 26A-26C connected via LANs 18, 24, LAN/ATM Interface Devices 12, 14 and ATM Network 10. The cited portion of column 5 states that a frame priority subfield "is exploited to permit an originating LAN station to request ATM connections having specified QoS parameters. The following sentence, which was not cited, states that "[t]he invention is implemented in the LAN/ATM interface devices, such as device 50 shown in FIG. 4" (column 5, lines 60-61).

Additional description of the LAN/ATM interface devices is provided in sentences at the top of column 6, including the statement that "[t]he LAN/ATM interface ... includes LAN/ATM QoS mapping logic 66" (column 6, lines 9-13). The cited paragraph spanning columns 6 and 7 confirms that "the LAN/ATM interface device accesses the LAN/ATM mapping table ... to map the frame's priority value to an available ATM QoS" (column 6, line 66 to column 7, line 2). After determining that "there is sufficient bandwidth available across the originating LAN segment to support the connection request" (column 7, lines 3-5), "a setup of the necessary connection through the ATM network is initiated" (column 7, lines 11-12) by the LAN/ATM interface device. Thus, the LAN/ATM interface devices 12 and 14 in Fig. 1 each "determine predetermined quality of service features for interaction with the network" (claim 7, line 3) and also "administer the quality of service features" (claim 7, lines 4-5). There is no "second computer ... to administer the quality of service features of the access unit" (claim 7, last two lines). Therefore, it is submitted that claim 7 and claims 8-15 which depend therefrom patentably distinguish over Ellington.

Claims 8-15 recite additional distinctions over the Ellington. Claim 8 adds that "the network is the Internet" and there is no suggestion that the ATM network of Ellington is part of the Internet. Furthermore, it is submitted that Ellington does not disclose an "access unit [that] is an autonomous device" as recited in claim 9. In particular the LAN/ATM interface device taught by Ellington which "looks like any other LAN station to the LAN" (column 6, lines 9-10) is not "a plug-in device for the first computer" (claim 10, line 2) or "a processor of the first computer programmed to determine predetermined quality of service features for interaction with the network" (claim 11, lines 2-3) where a second computer separate from the first computer is used "to administer the quality of service features" (claim 7, last two lines). Further, there is no suggestion in Ellington that the LAN/ATM interface device is a "computer ... assigned to a(n Internet) service provider" (claims 12 and 13, line 2). Finally, as discussed above, it is submitted that Ellington fails to disclose anything that could be called an access unit and therefore the additional details describing how the access unit operates that are recited in claims 14 and 15 are not taught or suggested by Ellington. For these additional reasons, it is submitted that claims 8-15 further patentably distinguish over Ellington.

Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not reach or suggest the features of the present claimed invention. Thus, it is submitted that claims 7-15 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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